

Application No.: 10/662,653

Docket No.: 65858-0026/02-rASD-183

REMARKS**Introduction**

Claims 1-28 are pending. In the Office Action, claims 5-28 were allowed, and claim 4 was indicated to be allowable if rewritten in independent form. Further, claims 1-3 were rejected under 35 U.S.C. § 102 as anticipated by US 6,459,974 ("Baloch").

Initially, Applicant would like to thank the Examiner for the allowance of claims 5-28, and for the indication that claim 4 would be allowable if rewritten in independent form. Nevertheless, for the reasons stated below, Applicant respectfully traverses the rejection of claims 1-3. No claims are amended or canceled in this response.

Argument

Applicant respectfully submits that Baloch does not teach or suggest any of the limitations of claim 1.

For example, claim 1 requires, among other things, "a first sensor placed at a base location" and "a second sensor in a second observable area." Baloch, in contrast, teaches at most one sensor in "[a]n occupant classification system [that] utilizes a rules-based expert system to automatically classify the occupant of a seat for the purposes of airbag deployment." (Abstract.) Baloch's occupant classifier system includes a camera 24 for capturing "[a]n [ambient] image of a seat area 21 including both the occupant 18 and the seat 20." (Col. 5, lines 32-34.) Baloch further teaches generating a segmented image of the occupant using either the camera 24 or a computer system. (Col. 5, lines 38-56.) Using the ambient image and/or the segmented image, Baloch's system extracts features that can be used to classify different types of occupants. (Col. 5, line 66 – col. 6, line 11.)

Significantly, Baloch discloses only a single camera 24, and does not teach or suggest any structure that could possibly be construed as "a second sensor," as is required by Applicant's claim 1. (See Figs. 1, 2.) Moreover, Baloch teaches its camera capturing only "a seat area 21" and does not teach or suggest "a second observable area" as is also required by claim 1. Baloch therefore further fails to teach or suggest "obtaining a test image of a second observable area" as is further required by claim 1.

For at least the foregoing reasons, claim 1 is allowable over the prior art of record, as are claims 2-3, depending from claim 1.

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CONCLUSION

In view of the foregoing Remarks, Applicant respectfully submits that all claims pending in this application are in condition for allowance. If the Examiner believes that any matters must be addressed before this application is passed to issue, the Examiner is invited to contact the Applicant's undersigned representative.

Applicant believes that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65858-0026 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to the aforementioned account.

Dated: November 29, 2004

Respectfully submitted,

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